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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/803,954	02/21/1997	KEITH E. LANGLEY	0109063/004	9382

7590 11/19/2001
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EXAMINER

HAYES, ROBERT CLINTON

ART UNIT PAPER NUMBER

1647

DATE MAILED: 11/19/2001

33

Please find below and/or attached an Office communication concerning this application or proceeding.



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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents


Since this application was mailed to "Box CPA" it has been treated as a CPA, versus a new divisional application. Note a CPA continues prosecution from the previous application using the same application serial no., and that amdt F (paper #31; filed 8/29/01) has now canceled claims 1-37. Second, the amendment filed 8/29/01 requesting that the specification be amended to refer to the present Continued Prosecution Application (CPA) as a divisional application of Application No. 08/803954 has not been entered. As set forth in 37 CFR 1.53(d)(7), a request for a CPA is the specific reference required by 35 U.S.C. 120 to every application assigned the application number identified in such request. Thus, there is no need to amend the first sentence of the specification to refer back to the prior application and any such amendment shall be denied entry. Third, claims 40-43 do not correspond to prior claims 40-43 from amdt E (paper #22; filed 4/20/00), in which claims 34, 38 & 39 were also canceled in this amendment; thereby, confusing what is now being claimed. It is suggested that Applicant cancels all pending claims (i.e., claims 40-52) and starts with claim 53 reciting the same invention previously elected (i.e., the originally elected polypeptides), which have been prosecuted throughout application no. 08/803954 to avoid future confusion.


Therefore, the reply filed on 8/29/01 is not fully responsive to the prior Office action of 03/05/01 (paper #26).

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Robert Hayes (Art Unit 1647) whose telephone number is (703) 305-3132.

The examiner can normally be reached on Monday through Thursday, and alternate Fridays from 8:30 AM to 5:00 PM.


Robert C. Hayes, Ph.D.
November 9, 2001


GARY L. KUNZ
SUPERVISORY PATENT EXAMINER
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